

EXHIBIT D

CHAP. 57.] ONE HUNDRED AND SECOND SESSION.

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Chap. 57.

AN ACT to secure the completion of the Seventh regiment new armory in the city of New York.

PASSED March 1, 1870; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. The Seventh regiment of the national guard of the State of New York, upon a majority vote to that effect of its board of officers (to be taken and entered of record at a regular meeting of said board) is authorized, in the name of said regiment, to make and dispose of such an amount of bonds that the proceeds thereof shall be adequate to complete and furnish the new armory of said regiment now partially completed on ground in the city of New York leased to the field officers of said regiment by the commissioners of the sinking fund of said city, pursuant to the two hundred and thirty-fourth chapter of the laws of eighteen hundred and seventy-four. Said bonds however, shall not in aggregate nominal amount exceed one hundred and fifty thousand dollars; they or any of them may be made payable at any convenient time, not beyond fifteen years from the date thereof; may be in denominations not exceeding one thousand dollars nor less than one hundred dollars, and shall be regularly numbered and bear any convenient rate of interest, to be represented by coupons, not exceeding seven per cent; may therein be declared to be payable at any time not less than six months after notice to the holder of an intention to pay the same; and may be executed by the field officers of said regiment for and in the name of said regiment; and no officer or member of said regiment shall be held individually liable on any of said bonds.

§ 2. For the purpose of securing the payment of said bonds and coupons the field officers of said regiment are authorized to assign and convey the said lease and property covered thereby, and said armory, to the trustees of the Seventh regiment armory fund Robert Lenox, Kennedy, Royal Phelps and William W. Astor, and their successors, in trust, for the purpose aforesaid; and said trustees are authorized to countersign said bonds to be issued. Said bonds shall be sold under the direction of said trustees, and the moneys received for the same shall be deposited, as said trustees shall direct, for the uses hereinbefore specified; said moneys to be drawn from time to time, by said trustees or a majority of them, for the payment of bills incurred in completing and furnishing said armory; such bills to be approved by a majority of the building committee for the time being. And any vacancy that may occur in said trustees or the building committee may be filled by said board of officers.

§ 3. Said regiment may by a vote of its board of officers, for the purpose of further securing the payment of said bonds, set apart, at the end of each year, any surplus which, at such time, may be found to have accrued during said year above the proper expenses of said regiment, as may be determined by said board.

§ 4. And for the more complete security of said bonds, and to facilitate said regiment in disposing of the same, and for the purpose of securing to said regiment an armory for its permanent occupation, the

So in the original.

commissioners of the sinking fund of the city of New York are hereby authorized and required to extend the term of said lease in such proper and adequate form and manner that it shall convey and assure to said lessees and said Seventh regiment the premises therein described for and during the period that said regiment shall exist and act as a military organization and desire to occupy said armory for its lawful purposes.

Annual city apportionments and payments

§ 5. The board of estimate and apportionment of the city of New York shall annually estimate and appropriate, and the mayor, aldermen and commonalty of the city of New York by its proper financial officer or officers shall pay the sum of fifteen thousand dollars each year to the trustees of the Seventh regiment new armory fund or their successors, as an equivalent and in lieu of a rental for an armory for said regiment, and in lieu of the appropriation of three hundred and fifty thousand dollars heretofore made by the mayor and common council of New York, for the erection of an armory for this regiment under the provisions of chapter two hundred and twenty-three, section thirty-four, laws of eighteen hundred and seventy-five. The amounts to be appropriated and to be paid the trustees under this section shall be paid in semi-annual sums of seventy-five hundred dollars each, and shall be used by them in paying the interest or principal of the bonds that may be issued by said regiment under this act; and any bond paid shall be forthwith canceled by said trustees. The appropriation and payments by said city, under this section, shall cease when all the bonds issued by the regiment for completing and furnishing its new armory have been fully paid, or by conformity hereto would have been paid; and such annual appropriations shall not in any event be made for a period beyond fifteen years.

Appropriation for heating and lighting apparatus.

§ 6. The said board of estimate and apportionment shall also estimate and appropriate, and the said city, by its proper officer or officers, shall pay during the present year to the trustees above named the amount of money necessary to purchase and pay for the proper heating and lighting apparatus for said armory as required by law (especially as required by chapter two hundred and seventy-five, laws of eighteen hundred and seventy-eight), and also the amount necessary to pay for the laying of suitable sidewalks and curb and gutter around said building according to plans and specifications approved, and pursuant to contracts made by the building committee. And the payments first required under this section shall be provided for and made in such season as not to delay the work on or use of said armory.

Comptroller to purchase regimental furniture, farriar, etc.

§ 7. The comptroller of the city of New York is hereby authorized and directed to purchase (for said city) of the field officers of the said regiment, at a fair valuation, the furniture and fixtures belonging to said regiment, or to the several companies thereof, now in Tompkins Market armory, which are suitable for a regiment, and the sum agreed to be paid for such regimental and company property, shall be duly appropriated by the said board of estimate and apportionment and shall be paid by said city, by its proper officer or officers to the treasurer of said regiment. In case the comptroller and the field officers of said regiment cannot agree as to the value of said property to be purchased, said comptroller shall appoint one person, and the field officers of said regiment shall appoint one person to appraise the value thereof, and if said persons so selected cannot agree they shall appoint an umpire; and in case of an agreement between said field officers and the comptroller, or between said two appointed persons, or between one of said appointed persons and said umpire, as to the value

To be in lieu of rental, etc.

Payment to trustees.

How applied.

When apportionments and payments to cease.

Appropriation for heating and lighting apparatus.

For sidewalks.

Payments not to delay work.

Comptroller to purchase regimental furniture, farriar, etc.

Appropriation and payment.

Appraiser, who to be appointed.

Amount to be paid.

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of said property, the value so agreed upon shall be the sum to be paid by said city to the treasurer of said regiment for said property.

§ 8. The Seventh regiment new armory, when completed and occupied, shall be subject to the provisions of the military code relating to armories, and to the rules and regulations prescribed by the proper military authorities for other regimental armories in the city of New York.

§ 9. This act shall take effect immediately.

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Chap. 58.

AN ACT to restore the eastern section of the Cayuga creek road, in the county of Erie, to the jurisdiction, care and superintendence of the commissioners of highways.

PASSED March 1, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the Cayuga creek road, designated as the "second section" thereof in chapter one hundred and forty-six of the laws of one thousand eight hundred and forty-nine, lying between the east line of Erie county and the point where the Waklee road intersects the Cayuga creek road, is hereby released from the operation of the provisions of chapter one hundred and forty-eight of the laws of one thousand eight hundred and forty-eight, entitled "An act to improve the Cayuga creek road, in the county of Erie," passed March twenty-ninth, one thousand eight hundred and forty-eight, and the acts amendatory thereof.

§ 2. On the first day of May, one thousand eight hundred and seventy-nine, the commissioners for the second or eastern section of said Cayuga creek road shall surrender the jurisdiction, care and superintendence of so much of said second or eastern section of said road as lies in the town of Alden, Erie county, to the commissioner of highways of said town, and of so much thereof as lies in the town of Lancaster, Erie county, to the commissioners of highways of that town; and on said first day of May and thereafter, the jurisdiction, care and superintendence of the portion of said second or eastern section of said road, situated in each of said towns, shall devolve upon and rest in the commissioners of highways respectively of said towns.

§ 3. This act shall take effect on the first day of May, one thousand eight hundred and seventy-nine.

* So in the original.

EXHIBIT E

(1) (2) (3)
Indenture) made the 28th
day of April, One thousand eight
hundred and seventy-nine, Between
The Mayor, Aldermen and Common-
alty of the City of New York, parties of
the first part, and The Field Officers of
The Seventh Regiment of The National
Guard of the State of New York, parties
of the second part.

(4) (5) Whereas, the Commissioners of the
Sinking Fund of the City of New York,
at a meeting of said Commissioners,
held April 18, 1879, adopted the fol-
lowing preamble and resolution:

"Whereas, On the 23^d of Septem-
ber, 1874, the Mayor, Aldermen and
Commonalty of the City of New York did
make a lease (recorded in the office of
the Register of said City, lib. 1306 of
conveyances, October 12, 1874) to the field
officers of the Seventh Regiment of the
National Guard of the State of New
York, known as the 1st Battalion, 7th Inf.",

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334th chapter of the laws of 1874; and also pursuant to a resolution of the Commissioners of the Sinking Fund of said City, adopted on the 3rd day of September, 1874, which lease was for the period of twenty-one years, upon the conditions therein mentioned, and was of certain lands, for an armory, which lands are situated between Fourth and Lexington Avenues, and between Sixty-eighth and Sixty-ninth streets, in said City; and

Whereas, the armory has been partially constructed by said requirement on said premises, now held under said lease, and by section 4th of the 5th chapter of the laws of 1879 (passed March 1, 1879) the said Commissioners of the Sinking Fund are authorized and required to extend the term of said lease, as said fourth section provides; therefore, in compliance with the last-named act.

Resolved, That the term of the lease

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(6) of said premises be and the same is
hereby so intended, and the said do-
mesticated that the same shall "convey
and assure to said lessee and said
regiment the premises therein de-
scribed for and during the period said
regiment shall exist and act as a
military organization; and desire to
occupy said armory for its lawful
purposes."

(6) And, that the Counsel to the Cor-
poration prepare a proper instrument
for the formal extension and modi-
fication of said lease, in accordance
with the provisions of said 54th Chap-
ter of Laws of 1879."

Now this 1st day of October 1879,
That the said parties of the first part
have granted, devised and to farm
let, and by these presents do grant,
devise and to farm let unto the
said parties of the second part and
their successors in office the plot or
lot in the city of New York, bounded

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situated between Sixty-sixth and Sixty-seventh
Street, and Fourth and Lexington Avenue, in
the city of New York. To have and to hold
the same, with the appurtenances, unto the
said parties of the second part and their
successors in office, for and during the
period that said regiment shall exist
and act as a military organization,
and desire to occupy said Armory
for its lawful purposes; said regiment
yielding and paying therefor, unto the
said parties of the first part, their
successors and assigns, the yearly
nominal rent or sum of one Dollar,
payable annually on the first day of
January in each year during said
time; said plot or parcel of ground
and appurtenances to be held and used
exclusively for an armory and drill
rooms by said regiment, subject in
all respects to the covenants, condi-
tions and restrictions contained and
expressed in the lease made Sep-
tember 23, 1874, in said premises.

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(7) mentioned, except so far as the same
have been modified by or pursuant to
any act of the Legislature of the State
of New York.

Be witness Whereof, the said parties
of the first part have caused the com-
mon seal of the said city of New York to
be affixed to these presents in duplicate,
and the said parties of the second part
have hereunto set their hands and
seals the day and year first above
written.

Sealed and delivered,

in the presence of }

(8) *John Lawrence*

Emmanuel Clark, Colonel
7th Cavalry, S. N. Y.

James Fitzgerald
Lieutenant, 7th Cavalry, N. Y. M.

John Moore Smith
Major, 7th Cavalry, N. Y.

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J. M. Patterson
of the Common Council

City and County of New York. So
On this 24th day of April 1879
before me came Jacob M. Patterson
a man personally known who
being duly sworn did depose
and say that he resides in the
city and county of New York. That

he is the Clerk of the Common
Council of the city of New York
that the seal affixed to the
foregoing instrument is the Common
seal of the City of New York and
was so affixed pursuant to law
and on the 23^d day of April 1879
before me came James Glazier

a man personally known and known
to me to be the Colonel of the
Regiment of National Guards
of New York and on the 24th day
of April 1879 before me came
John T. Gould a man known and

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known & me to be the Lieutenant Colonel
of the 7th Regiment National Guard
State of New York and on the 26th day

(8) of April 1879 before me came George
More Smith & me known and known
him to be the Major of the 7th Regiment
National Guard State of New York
the Field officers of the 7th Regiment
National Guard State of New York
described in and who executed
the written instrument and they
especially acknowledged same to be
they executed the written instrument
for the purpose thereby contained

J. L. Lawrence
Writing publick Party County
of New York

Recorded in the office of the Register of the City and
County of New York in Liber 1495 of Long Island page
39 April 26th A.D. 1879 at 11 o'clock A.M. witnessed

A. M. W. examined

Witnessed and affixed seal

or signature

Registered

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The Mayor, Aldermen
and Commonalty of
the City of New Haven,
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The First Officer
The Seventh Regimen
P. G. S.
October 20th 1859
Opposed to the
W. G. Miller
A. C. Miller
John T. H. Conant

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EXHIBIT A - LEASE

INDENTURE made the 23rd day of April, one thousand eight hundred and seventy-nine BETWEEN THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, parties of the first part, and THE FIELD OFFICERS OF THE SEVENTH REGIMENT OF THE NATIONAL GUARD OF THE STATE OF NEW YORK, parties of the second part:

WHEREAS, the Commissioners of the Sinking Fund of the City of New York, at a meeting of said Commissioners, held April 18, 1879, adopted the following preamble and resolutions:

"WHEREAS, On the 23rd of September, 1874, the Mayor, Aldermen and Commonalty of the City of New York did make a lease (recorded in the office of the Register of said City, liber 1306 of conveyances, October 12, 1874) to the Field Officers of the Seventh Regiment of the National Guard of the State of New York, pursuant to the first section of the 234th Chapter of the Laws of 1874; and also pursuant to a resolution of the Commissioners of the Sinking Fund of said City, adopted on the 3rd day of September, 1874, which lease was for the period of twenty-one years, upon the conditions therein mentioned, and was of certain lands, for an armory, which lands are situated between Fourth and Lexington Avenues, and between Sixty-sixth and Sixty-seventh Streets in said City; and

WHEREAS, An armory has been partially constructed by said regiment on said premises, now held under said lease, and by section 4, of the 57th Chapter of the Laws of 1879 (passed March 1, 1879) the said Commissioners of the Sinking Fund are authorized and required to extend the term

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of said lease, as said fourth section provides; therefore
in compliance with the last named act

RESOLVED, That the term of the lease of said
premises be and the same is hereby so extended and the
lease so modified that the same shall "convey and assure to
said lessees and said regiment the premises therein de-
scribed for and during the period that said regiment shall
exist and act as a military organization, and desire to
occupy said armory for its lawful purposes."

AND, that the Counsel to the Corporation prepare a
proper instrument for the formal extension and modification
of said lease, in accordance with the provisions of said
57th Chapter of Laws of 1879.

NOW THIS INDENTURE WITNESSETH, That the said parties
of the first part have granted, demised and to farm let,
and by these presents do grant, demise and to farm let,
unto the said parties of the second part and their suc-
cessors in office the plot or parcel of ground bounded by
and situated between Sixty-sixth and Sixty-seventh Streets,
and Fourth and Lexington Avenues, in the city of New York.

TO HAVE AND TO HOLD the same, with the appurtenances,
unto the said parties of the second part and their suc-
cessors in office, for and during the period that said regi-
ment shall exist and act as a military organization, and
desire to occupy said armory for its lawful purposes; said
regiment yielding and paying therefor, unto the said parties
of the first part, their successors and assigns, the yearly
nominal rent or sum of one Dollar, payable annually on the
first day of January in each year during said term; said
plot or parcel of ground and appurtenances to be held and

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used exclusively for an armory and drill rooms by said regiment, subject to all respects to the covenants, conditions and restrictions contained and expressed in the lease made September 23, 1874, in said preambles mentioned, except so far as the same have been modified by or pursuant to any act of the Legislature of the State of New York.

IN WITNESS WHEREOF, the said parties of the first part, have caused the common seal of the said City of New York to be affixed to these presents in duplicate, and the said parties of the second part have hereunto set their hands and seals the day and year first above written.

(Sgd) EMMONS CLARK - Colonel (Seal)

7th Regt. N.G.S.N.Y.

(Sgd) LOUIS FITZGERALD - Lieut. Col. (Seal)

7th Regt. N.G.S.N.Y.

(Sgd) GEO. MOORE SMITH - Major (Seal)

7th Regt. N.G.S.N.Y.

Sealed and delivered
in the presence of

(Sgd) C. W. LAWRENCE

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